



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

CURRENT DECISIONS

CONFLICT OF LAWS—JURISDICTION FOR DIVORCE—DOMICIL—NATIONALITY.—A husband and wife, having been married and continuously domiciled in France, brought cross-actions for divorce. The husband was a citizen of Argentina, the wife a native of France. Argentine law does not permit divorce, but only legal separation. Article 7 of the Argentine Civil Code provides that the capacity of Argentinians for acts performed abroad is governed by the law of their domicile. By French law divorce was obtainable. According to Argentine law the marriage of an Argentinian to an alien woman does not confer his nationality upon her, in which event under French law she retains her French citizenship. *Held*, on the question of jurisdiction, that divorce would be granted; and on the question of citizenship, that the wife was French. *Rocholl v. Rocholl*, Tribunal civil de la Seine (4th Chamber) December 8, 1915, reported in (1917) 44 Clunet, 1020.

Here the provision of the law of the husband's nationality to the effect that capacity for legal acts of Argentinians abroad was to be governed by the *lex domicilii* was deemed to qualify the absolute prohibition of divorce, the husband being domiciled in France, where divorce was permitted. Moreover, the court held the wife to have retained her French nationality on marriage, in accordance with the French law, because by the law of her husband's country, marriage did not confer his nationality upon her. Under the United States Act of March 2, 1907, section 3, providing that "any American woman who marries a foreigner shall take the nationality of her husband," a wife similarly situated would have lost American citizenship without acquiring Argentinian citizenship. Our law has overlooked the wise precaution of France safeguarding native women against statelessness. See (1918) 27 YALE LAW JOURNAL, 840.

CONSTITUTIONAL LAW—WAR POWERS—KEEPING BROTHEL IN VIOLATION OF SELECTIVE DRAFT ACT.—The defendant was indicted for a conspiracy to violate section 13 of the Selective Draft Act, and the regulations of the Secretary of War promulgated in pursuance thereof, by keeping a house of ill fame within five miles of the Columbus Barracks. A demurrer was interposed. *Held*, that the Act was a valid exercise of the war powers of Congress. *United States v. Casey* (1918, S. D. Oh.) 247 Fed. 362. *Accord*, *United States v. Scott* (1918, D. R. I.) 248 Fed. 361.

While in time of peace regulations of the character here involved would fall within the police power reserved to the states, there seems no reason to doubt the correctness of the court's decision that, as incidental to its war powers, Congress may prohibit acts which militate against the health, morals and efficiency of its military and naval forces. It is expressly authorized "to make all laws which shall be necessary and proper for carrying into execution" the war powers. Constitution, Art. I, sec. 8, cl. 18.

CONSTITUTIONAL LAW—WAR POWERS—REGULATION OF FOOD PRICES.—The defendant was convicted of selling bread at a price higher than that permitted by the regulations made pursuant to the War Precautions Act of Australia. He contended that the Act was unconstitutional. *Held*, that under the constitutional power "to make laws . . . with respect to the naval and military defense of the Commonwealth" the Act was constitutional. *Duffy and Rich, JJ., dissenting. Farey v. Burvett* (1916, Australia) 21 C. L. R. 433, reported in 7 Brit. R. C. 628.

The case is of interest to American readers because the provisions in the Australian Constitution are sufficiently similar to those on which the war powers of our Congress depend, so that the case may be thought a persuasive authority upon the question of the validity of our Food Control Act of August 10, 1917. Indeed, the words of the Australian provision seem rather less broad than the language in our own Constitution. *Cf. United States v. Casey*, noted *supra*.

CONTRACTS—CONSTRUCTION—AMERICAN WATERS AS "WAR REGION."—A ship was chartered under an agreement providing that if the charterers should order her to trade "in the war region," war risk insurance premiums paid by the owners should be refunded to them by the charterers. The ship was trading between Sydney (C. B.), Halifax and Boston when a number of vessels were sunk in one day by a German submarine near Nantucket Lightship. There were no further sinkings in American waters and the submarine was not again reported, but premiums on insurance in these waters were for a time greatly increased. Two days after the sinkings the owners effected war risk insurance at the increased premium, and suit was brought against the charterers to recover the premium so paid. *Held* (the Lord Chancellor dissenting), that the "war region," for the purposes of the agreement in question, must be held to include any waters where for the time being warlike operations were being conducted or were reasonably to be apprehended, or (*per* Lord Dunedin) where the war affected the risk that ships would run; that the plaintiffs had acted reasonably; and that they were entitled to recover the premiums paid. *Dominion Coal Co. v. Maskinonge S. S. Co.* (1918, H. of L.) 118 L. T. Rep. N. S. 115.

The case has, perhaps, more news interest than legal importance. Considering all the circumstances and the apparent object of the provision in question, the construction adopted seems a reasonable one.

CONTRACTS—TRUSTS—THIRD PARTY BENEFICIARY—SUIT BY DONEE-BENEFICIARY.—Land was conveyed by A. to her mother, E., on the latter's promise to A. that she would pay to A.'s daughter, the plaintiff, a certain sum of money that had been invested in the land by A.'s husband, in case E. should ever sell the land or should die without selling it. E. died without having performed her promise. *Held*, that the plaintiff has a valid claim against E.'s executor for the promised amount. *In re Edmundson's Estate* (1918, Pa.) 103 Atl. 277.

In this case the plaintiff was the sole beneficiary of the contract and was a mere donee. She was the daughter of the promisee, but the court rightly makes no reference to this fact. *Cf. Seaver v. Ransom* (1917, App. Div.) 168 N. Y. Supp. 454, discussed in 27 YALE LAW JOURNAL, 563. In the present case the promisor received property, but not as a trustee. The contract created an ordinary conditional debt in favor of a third person.

COURTS-MARTIAL—PERSONS SUBJECT TO MILITARY LAW—PASSENGER ON ARMY TRANSPORT.—A passenger on an army transport returning from France volunteered to stand watch and did so for several days, but finally refused to continue, although ordered so to do by the army officer in charge of the vessel. For disobedience of this order he was sentenced by a court-martial to five years' imprisonment. He applied for a writ of *habeas corpus* to obtain his release from imprisonment. *Held*, that the petitioner was not entitled to be released, since he was subject to the jurisdiction of the court-martial as a person "accompanying or serving with the armies of the United States in the field." *Ex parte Gerlach* (1917, S. D. N. Y.) 247 Fed. 616.

Prior to the enactment of the present Articles of War two classes of civilians were subject to military discipline in time of war: (a) "retainers to the camp"